



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



Guy Laplante
21 Chase Island
Atkinson, NH 03811

LETTER OF DEFICIENCY

#SP-2004-13

October 05, 2004

RE: DES Wetlands File #2004-01803 21 Chase Island Rd, Atkinson

Dear Mr. Laplante:

On September 24, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Atkinson Tax Map 22, Lot 10, Chase Island Road, Atkinson, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act ("CSPA"), RSA 482-A, the New Hampshire Wetlands Law, as well as the applicable rules promulgated by these statutes. During the inspection the following deficiencies were noted:

1. A retaining wall containing fill and plantings, measuring 16.5 feet in length by 5 feet in depth, has been constructed below the normal high water line (reference line) of Island Pond.
2. A permanent dock was observed measuring 40.2 feet in length by 4 feet in width with an attached 12-foot by 12-foot swim float. Current regulations would permit a permanent or seasonal dock of no greater than 30 feet in length on a water body less than 1,000 acres.

In response, you are requested to take the following actions:

1. With regard to cited deficiency #1; submit a restoration plan to DES within 30 days of receipt of this Letter of Deficiency. The restoration plan should outline removal of the retaining wall, fill, and plantings, that are located below the reference line of Island Pond. The restoration plan should also include replacement of native and natural vegetation and restoration of the natural shoreline of Island Pond. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing;
 - i. existing conditions,
 - ii. proposed conditions after restoration..
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, and proposed location of plantings. All plantings should be selected from the list of "Native and Naturalized Shoreland Plantings for New Hampshire".

d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

3. With regard to cited deficiency #2; submit documentation that verifies the dock existed prior to July 2, 1969, or has a permit from DES. If this is not possible, include in your restoration plan that the dock will be brought into compliance with current requirements.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are fact sheets pertaining to the Comprehensive Shoreland Protection Act and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley or myself at (603) 271-2147.

Sincerely,

COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL #7099 3400 0003 0688 9323

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Atkinson Conservation Commission
Atkinson Board of Selectmen
US Army Corps of Engineers